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Date of Deposit: May 4, 2005

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Attorney Docket No: 24334-003

DAZMW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Caduff, et al.  
Serial No.: 10/656,997  
Filed: September 5, 2003  
For: IMPEDANCE SPECTROSCOPY BASED SYSTEMS AND METHODS  
Examiner: Not Yet Assigned  
Art Unit: 1743

**MAIL STOP PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir/Madam:

Transmitted herewith for filing in the present application are the following documents:

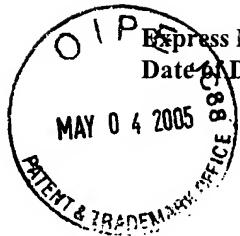
- Petition Pursuant to 37 C.F.R. 1.78(a)(3) to Accept Unintentionally-Delayed Claim of Priority Under 35 U.S.C. §120 for the Benefit of a Prior-Filed Non-Provisional Application (3 pages);
- Exhibit A (3 pages);
- Exhibit B (1 page); and
- Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts. The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 24334-003. A duplicate copy of this Transmittal Letter is enclosed.

Respectfully submitted,

C. Eric Schulman, Reg. No. 43,350  
Attorney for Applicants  
MINTZ LEVIN COHN FERRIS  
GLOVSKY & POPEO, PC.  
Tel.: (617) 542 6000  
Fax: (617) 542-2241  
Customer No. 30623

Date: May 4, 2005



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Caduff et al..

SERIAL NUMBER : 10/656,997

EXAMINER : Not Yet Assigned

FILING DATE : September 5, 2003

ART UNIT : 1743

FOR : *IMPEDENCE SPECTROSCOPY BASED SYSTEMS AND METHODS*

### MAIL STOP PETITION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Boston, Massachusetts  
February 4, 2004

### **PETITION PURSUANT TO 37 C.F.R. 1.78(a)(3) TO ACCEPT UNINTENTIONALLY-DELAYED CLAIM OF PRIORITY UNDER 35 U.S.C. §120 FOR THE BENEFIT OF A PRIOR-FILED NONPROVISIONAL APPLICATION**

Pursuant to 37 C.F.R. §§ 1.78(a)(3), this petition is submitted to request perfection of the benefit claim in the above-referenced application. Although a benefit claim was included in an executed oath and declaration submitted on April 7, 2004, , it recently came to the attention of the Applicant's representative that the instant application does not contain the relationship of the present application to the non-provisional application listed in the first paragraph of the specification, as required under 37 C.F.R. § 1.78(a)(2) and (a)(5). A Preliminary Amendment A, which is being filed today (a copy of the preliminary amendment A is attached as attachment A), contains an amendment to the specification to include a specific reference to PCT Application No. PCT/US00/09150, which claims priority to U.S. Provisional Patent Application No. 60/127,926, filed on April 6, 1999 and to U.S. Nonprovisional Patent Application No. 09/543,119, filed April 5, 2000. A courtesy copy of this Response and Amendment is enclosed herewith.

As required by 37 C.F.R §§1.78(a)(3)(iii), attached to this petition (as attachment B) is a statement that the entire delay between the date the benefit claim was due, according to 37 C.F.R. §§ 1.78(a)(2)(ii), and the date the benefit claim was perfected was unintentional.

Applicants submit herewith Check No. 20474 in the amount of \$1,370.00 for payment of

1370.00 UP

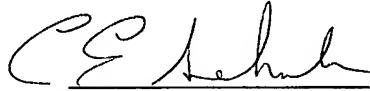
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Caduff et al.  
10/656,997

the surcharge specified in 37 C.F.R. § 1.17(t). The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 24334-003.

Respectfully submitted,



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**Customer No. 30623**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Caduff, et al.  
Serial No.: 10/656,997  
Filed: September 5, 2003  
For: IMPEDANCE SPECTROSCOPY BASED SYSTEMS AND METHODS  
Examiner: Not Yet Assigned  
Art Unit: 1743

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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COPY

PRELIMINARY AMENDMENT A

Sir/Madam:

20 Before examination of the above-identified application, please amend the application as follows.

**Amendments to the Specification:**

On page 1 of the specification, please replace the first paragraph after the title with the following:

5                    **Cross-Reference to Related Applications:**

This application claims priority to, and benefit of, U.S. provisional patent application serial no. 60/408,377, filed September 5, 2002, entitled "METHODS AND DEVICES FOR DETERMINING THE CONCENTRATION OF A SUBSTANCE IN A TARGET" and incorporated herein by reference in its entirety. This application also is a 10 continuation-in-part claims priority to, and benefit of, U.S. patent application serial no. 09/980,661, filed Nov. 15, 2001 and entitled "Method and Device for Determining the Concentration of a Substance in Body Liquid" which claims priority to was the national stage of International Application PCT application No. PCT/IB01/00334, filed March 6, 2001 and entitled "Method and Device for Determining the Concentration of a Substance in 15 Body Liquid."

**REMARKS**

This Preliminary Amendment is filed prior to initial review of the application and serves to amend the "Cross Reference to Related Applications" originally filed with the application. The Applicant is concurrently filing a petition (a copy of which is attached as 5 Exhibit A) under 1.78(a)(3) to accept unintentionally-delayed claim of priority under 35 U.S.C. 120 for the benefit of a prior-filed non-provisional application. This petition is being mailed separately and directly to Mail Stop Petition.

The Applicant does not believe that any fees are due. However, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, 10 to Deposit Account No. 50-0311, Reference No. 24334-003.

Respectfully submitted,



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FOR : *IMPEDENCE SPECTROSCOPY BASED SYSTEMS AND METHODS*

Mail Stop Petition  
Commissioner for Patents  
Washington, DC 20231

STATEMENT IN SUPPORT OF PETITION TO ACCEPT UNINTENTIONALLY  
DELAYED CLAIM OF PRIORITY UNDER 37 C.F.R. § 1.78(a)(6)(iii)

The undersigned hereby states that the entire delay between the date on which the claim of priority was due, under 37 C.F.R. § 1.78(a)(3)(ii), and the date on which the priority claim was actually perfected was unintentional. Once aware of the errors committed in the priority claim, the undersigned worked diligently to minimize the delay in filing.

Respectfully submitted,

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Dated: May 4, 2005

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